

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER SADOWSKI,

Plaintiff,

- against -

JSN GLOBAL MEDIA, LLC,

Defendant.

Case No. 18-CV-01392 (LAP)

DECLARATION OF ELEANOR M. LACKMAN

ELEANOR M. LACKMAN declares as follows:

1. I am a member of the law firm of Cowan, DeBaets, Abrahams & Sheppard LLP, counsel for defendant JSN Global Media, LLC ("JSN"). I submit this declaration in opposition to plaintiff Christopher Sadowski's ("Sadowski") Motion for Reconsideration.

2. Attached hereto as Exhibit A is a true and correct copy of the court reporter's bill issued to my firm for the same deposition that Sadowski cites in support of his Motion. Our firm was the party who noticed and took the deposition; Sadowski's firm attended to defend the witness and was billed for a copy of the transcript in a manner consistent with a bill to a non-noticing party. Sadowski's firm did not take any depositions on behalf of its client in that case.

3. Attached hereto as Exhibit B is a true and correct copy of online quotations that my firm prepared from Getty Images' website, for use of images showing the façade of an unspecified Home Depot store along with a small amount of unidentifiable individuals in the foreground. These photographs are not identical to the photograph at issue in the case, but they are roughly comparable from the perspective of any objective observer. The quotations are based on the type of use here in this case (i.e., editorial use), for a large circulation (500,000) well in excess of the

audience for JSN, and for a time period of two years, which is well beyond the newsworthiness of the article the photograph accompanies, along with five years of archival use. The cost for both photographs is \$244.00, which does not reflect the cut that Getty Images takes before paying the photographer.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York
August 20, 2018

A handwritten signature in black ink, appearing to read "Eleanor M. Lackman", written over a horizontal line.

ELEANOR M. LACKMAN